

REMARKS

Above are revised claims which were presented during the Examiner's Interview on December 8, 2011. All of the claims are process claims, which are patentable under MPEP 2112.02 with regards to process claims citing to In re Hack and In re May. These cases fall under the same reasoning for patenting aspirin for heart conditions which was a new use over aspirin for headaches.

Further, evidence was provided at the Examiner's interview of the commercial success and copying with regards to the claimed process.

Applicant provides support for all of the new claims below by citing to page and line with regards to each claim.

With regard to claim 56, support for the claim can be found at **page 1, lines 11-13, page 13 lines 8-9; page 15 lines 16-17; page 2, lines 10-11, page 3 lines 6-8, page 11 lines 1-2, page 9 lines 9-11; page 10 lines 22-23; page 10 lines 3-5; page 7 lines 9-11, page 8 lines 22-24, page 15 lines 15-16.**

With regard to claim 57, support can be found at **page 11 lines 1-2.**

With regards to claim 60, support can be found at **page 10 lines 6-7.**

With regard to claim 61, support can be found at **page 15 lines 15-16.**

With regard to claim 62, support can be found at **page 10 lines 11-13.**

With regard to claim 63, support can be found at **page 1, lines 11-13; page 13 lines 8-9; page 15 lines 16-17; page 2, lines 10-11, page 3 lines 6-8, page 11 lines 1-2, page 9 lines 9-11; page 10 lines 22-23; page 10 lines 3-5; page 7 lines 9-11, page 8 lines 22-24, page 15 lines 15-16.**

With regard to claim 64, support can be found at **page 11 lines 1-2.**

With regard to claim 65, support can be found at **page 10 lines 6-7.**

With regard to claim 68, support can be found at **page 15 lines 15-16.**

With regard to claim 69, support can be found at **page 10 lines 11-13.**

With regard to claim 70, support can be found at **page 1, lines 11-13; page 7, lines 9-11; page 15, lines 16-17; page 2, lines 10-11, page 3 lines 6-8, page 11 lines 1-2, page 9 lines 9-11; page 10, lines 22-23; page 10, lines 3-5; page 7 lines 9-11, page 8 lines 22-24, page 15 lines 15-16.**

The Examiner has rejected the previous claims as being obvious over Holton in view of 5,766,312 to Furhmann.

Claims 56, 63 and 70 teach a method wherein the mulch is placed on the soil and the soil contains seeds. The moisture content of the soil and/or seed is determined by the color intensity of the mulch. The color intensity of the mulch changes when moisture is removed from the mulch product. Further, the color intensity of the mulch product changes when moisture is added to the mulch product. A user adjusts the moisture level of the soil and/or seed in response to the color intensity of the mulch product. The moisture content of the mulch has a relationship to the moisture content of the soil and/or seed.

Holton applies a dye to mulch for purely aesthetic reasons. The Examiner states that Furhmann teaches that it is well known that dyes are indicators of moisture. The sections cited by the Examiner only teaches that

color changes based upon contact with small quantities of water or water vapor.

Neither Holton or Furhmann alone or in combination teach

- (1) determining the moisture content of the soil and/or seed by the color intensity of the mulch product;**
- (2) changing the color intensity of the mulch product when moisture is removed from the mulch product;**
- (3) changing the color intensity of the mulch product when moisture is added to the mulch product;**
- (4) adjusting the moisture level of the soil and/or seed in regards to the color intensity of the mulch product;**
- (5) the moisture content of the mulch having a relationship to the moisture content of the soil and/or seed.**

Therefore, all of the above claims are allowable over the prior art.

The Examiner has rejected previous claims as being obvious over Thomas in view of Furhmann. The Examiner has rejected previous claims as being obvious over Thomas in view of Furhmann.

Thomas also teaches adding a dye for aesthetic purposes. Therefore, all of the above arguments apply to Thomas in view of Furhmann.

The Examiner has rejected previous claims as being obvious over Holton in view of Lombard.

Neither Holton or Lombard alone or in combination teach

- (1) determining the moisture content of the soil and/or seed by the color intensity of the mulch product;**
- (2) changing the color intensity of the mulch product when moisture is removed from the mulch product;**
- (3) changing the color intensity of the mulch product when moisture is added to the mulch product;**
- (4) adjusting the moisture level of the soil and/or seed in regards to the color intensity of the mulch product;**
- (5) the moisture content of the mulch having a relationship to the moisture content of the soil and/or seed.**

Therefore, all of the above claims are allowable over the prior art.

Further, Lombard's teachings are with regards to urine and once the urine is detected, the product is thrown away and not used again. For this reasons and all of the reasons stated above, the claims are allowable over the prior art.

The Examiner has rejected the previous claims as being obvious over Thomas in view of Lombard.

For all of the above reasons with regards to Holton and Lombard, the same reasons apply to Thomas and Lombard. Therefore, the above claims are allowable over the prior art.

Applicant believes the application is in condition for allowance.

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Date of Deposit: January 9, 2012

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